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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

This Document Relates to:  
  
ALL ACTIONS

Case No. 3:23-md-03084-CRB

**DEFENDANT UBER TECHNOLOGIES,  
INC. AND RAISER, LLC'S BRIEF IN  
SUPPORT OF UBER'S PRIVILEGE  
CLAIMS CHALLENGED BY  
PLAINTIFFS FOR ROGER KAISER  
CUSTODIAL FILE – PURSUANT TO  
SPECIAL MASTER ORDER NO. 3 (DKT.  
2472)**

Pursuant to Special Master Order No. 3, I (4) (Dkt. 2472), Defendants submit this brief and attached declaration in support of their position on the remaining privilege challenges for custodian Roger Kaiser. Defendants incorporate by reference the legal standard and arguments set forth in their prior briefing (Dkts. 2433, 2461, 2528, 2544, and 2580). After Defendants' March 10, 2025 revised privilege log, Plaintiffs challenged approximately 420 documents within Mr. Kaiser's custodial file. Through many conferrals, the parties have narrowed their disputes to 136 challenges. These challenges are now submitted for the Special Master's review.

In addition to the factual material already made available for the Special Master's consideration,<sup>1</sup> Defendants now provide a declaration from Scott Binnings, Associate General Counsel, Safety and Core Services (Ex. A). Mr. Binnings's declaration provides factual support that helps to clarify Uber's privilege assertion as to JCCP\_MDL\_PRIVLOG072166. As explained, this document is a draft Excel spreadsheet dated May 29, 2020 documenting a Risk Register for various jurisdictions. The spreadsheet was marked "Attorney-Client Privileged-Prepared at the Advice of Counsel." It was also marked as a Work in Progress and contains a note not to circulate it. Then-Global Senior Counsel, Safety, Amos Davis and then-Legal Director, Safety, Scott Binnings requested the risk assessment reflected in the spreadsheet to facilitate their provision of legal advice concerning various aspects of platform safety, including the regulatory, litigation, insurance, and compliance risks. The document was created at their direction for the purpose of obtaining and providing their legal advice concerning safety issues. Moreover, the spreadsheet contains several comments reflecting Mr. Davis's legal advice on those issues. This document is therefore privileged, and Plaintiffs' challenge should be rejected.

This declaration and other declarations submitted to date illustrate how Uber's in-house legal team members provide legal advice to Uber's leadership and employees on a host of issues, including safety issues, procedures, and policy. As they have explained previously, their work sometimes

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<sup>1</sup> As requested by the Special Master, Uber has provided (1) a glossary of terms commonly used in disputed documents, (2) a list of names and titles of relevant Uber inside and outside counsel, and (3) a digest of third-parties present in its privilege log.

1 involves directing non-attorney employees to create documentation and assessments necessary for  
 2 them to provide legal advice. *See, e.g.*, Dkts. 2462 at 3-4, 2463 at 5.

3 As explained more fully in the prior briefs incorporated by reference herein, the applicable  
 4 legal standard and the relevant factual background, including the factual material previously provided  
 5 and the additional factual support contained in the declaration of Scott Binnings, support Uber's  
 6 privilege and work product assertions for the challenged documents in this custodial file. The  
 7 remaining privilege claims submitted for the Special Master's determination should be upheld.

8  
 9 DATED: March 28, 2025

Respectfully submitted,

10 **SHOOK HARDY & BACON L.L.P.**

11 By: /s/ Maria Salcedo

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 28, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

/s/ Maria Salcedo  
MARIA SALCEDO